

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION ATHLETIC  
GRANT-IN-AID CAP ANTITRUST  
LITIGATION

No. MDL 14-2541 CW

ORDER GRANTING IN  
PART MOTION FOR  
EXTENSION OF TIME  
(Docket No. 51)

On July 7, 2014, Plaintiffs Sharrif Floyd, Kyle Theret, Chris Stone, John Bohannon, Ashley Holliday, and Chris Davenport (collectively, Floyd Plaintiffs) moved for an extension of time to file the consolidated amended complaint (CAC). Specifically, they moved to continue the July 9, 2014 deadline for filing the CAC until one week after the Court issues its rulings on the pending motions to appoint co-lead Plaintiffs' counsel. Plaintiffs Shawne Alston and Nicholas Kindler, who are currently represented by interim co-lead counsel, oppose the motion. After considering the parties' submissions, the Court grants the motion in part and denies it in part.

The Floyd Plaintiffs contend that an extension of time is necessary to ensure that they have an adequate opportunity to contribute to the CAC. This concern does not justify the extension that they have requested. Alston and Kindler represent that they gave the Floyd Plaintiffs an opportunity to participate in the drafting of the CAC on June 19 -- more than two weeks

1 before the Floyd Plaintiffs filed the instant motion -- and that  
2 they endeavored to incorporate the Floyd Plaintiffs' allegations  
3 into the CAC. If any further amendments to the CAC are necessary  
4 and justified, Plaintiffs may seek leave to amend the CAC after  
5 Defendants have filed their responsive pleading or motion to  
6 dismiss. In the meantime, the Floyd Plaintiffs' concerns would be  
7 addressed most effectively by communicating directly with counsel  
8 for Alston and Kindler regarding the filing of the CAC.

9 The Floyd Plaintiffs also argue that an extension is  
10 necessary because "the parties in this matter will benefit  
11 substantially from the Court's ruling in O'Bannon." Docket No.  
12 51, Mot. for Extension of Time 2. However, the extension that  
13 they have requested would not necessarily ensure that the parties  
14 have the benefit of the O'Bannon ruling before filing their  
15 pleadings. Once again, the Floyd Plaintiffs have asked to  
16 continue the deadline for filing the CAC until after the Court  
17 issues its rulings on the motions to appoint co-lead counsel in  
18 this case; they did not ask for a delay until after the Court  
19 issues its ruling in O'Bannon.

20 Accordingly, the Floyd Plaintiffs' motion for an extension of  
21 time (Docket No. 51) is GRANTED in part and DENIED in part. The  
22 deadline for the filing of the CAC is continued to July 11, 2014  
23 in order to give the Floyd Plaintiffs a final opportunity to  
24 provide input on the CAC. Alston and Kindler shall provide a copy  
25 of the CAC to the Floyd Plaintiffs by 5:00 p.m. on July 9, 2014.  
26 Counsel for the Floyd Plaintiffs shall meet and confer with  
27 counsel for Alston and Kindler regarding the CAC by 2:00 p.m. on  
28 July 10, 2014. The CAC shall be filed no later than 12:00 p.m. on

1 July 11, 2014. All other deadlines -- including Defendants'  
2 deadline to file their answer or motion to dismiss -- shall remain  
3 unchanged.

4 IT IS SO ORDERED.

5  
6 Dated: 7/8/2014

  
CLAUDIA WILKEN  
United States District Judge